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Edward C. Delavan Jr.

CHARTER

OF THE

Village of New Brighton,

PASSED APRIL 20, 1866,

AND AMENDED APRIL 22, 1867, APRIL 27, 1871

MARCH 27 1872, AND MAY 11, 1873,

PASSED MAY 19, 1875,

AMENDED BY CHAPS. 87 AND 118,

LAWS OF 1889,

WITH

ORDINANCES

AND

Rules of Order of the Board of Trustees.

NEW BRIGHTON

PRESS OF SENTINEL, RICHMOND TERRACE

1890.



not acc.

974.72

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OFFICERS

OF THE

VILLAGE OF NEW BRIGHTON

1889.

President,

JOHN J. FETHERSTON.

TRUSTEES:

First Ward	JOHN J. FETHERSTON.
Second Ward	THOMAS FARRELLY.
Third Ward	DANIEL DEMPSEY.
Fourth Ward	P. J. CONNOLLY.
Fifth Ward	JOHN FRANZREB.
Sixth Ward	JOSEPH H. MALOY.

Clerk,

JOHN J. KENNEY.

Treasurer,

VICTOR SCHOENTAN



AN ACT

To amend an Act entitled "AN ACT TO INCORPORATE THE VILLAGE OF NEW BRIGHTON," passed April twentieth, eighteen hundred and sixty-six, and amended April twenty-second, eighteen hundred and sixty-seven; April twenty-seventh, eighteen hundred and seventy-one; March twenty-seventh, eighteen hundred and seventy-two; and May fourteenth, eighteen hundred and seventy-three; passed May nineteenth, eighteen hundred and seventy-five, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

TITLE I.

OF THE BOUNDARIES OF THE VILLAGE AND CORPORATION; OF THE INHABITANTS THEREOF:

SECTION 1. The town of Castleton, in the county of Richmond, is hereby constituted a body corporate, to be known as the village of New Brighton. Said village shall be divided into six wards, as follows:—All that portion of said village described as follows, viz: Commencing at a point on the shore of the Kill Von Kull, opposite the foot of York Avenue, running thence along the centre of York Avenue to its intersection with Brighton Avenue; thence along the centre of Brighton Avenue to the centre of Jersey street; thence along Jersey street to the Richmond turnpike; thence along Richmond turnpike to the shore of the Bay of New York; thence along the Bay and Kill Von Kull to the place of beginning, shall be the First Ward. All that portion of said village lying eastwardly of the centre of Bard Avenue up to the former southerly boundary line of said village, as said line was laid in the act passed April twenty-sixth, eighteen hundred and sixty-six, and westwardly of the First Ward, shall be known as the Second Ward. All that portion of said village lying eastwardly of the centre of Broadway up to the former southern boundary line of said village, and westwardly of the Second Ward up to said former southern boundary line shall be known as the Third Ward. All that portion of said village lying westwardly of the Third Ward, and easterly of the centre of the Mill road up to the former southern boundary line of said village shall be known as the Fourth Ward. All that portion of said village lying southwardly of a line drawn from the junction of the Mill and Manor roads, eastwardly to DeJonge's paper factory, and bounded northerly by said line, westwardly by

the centre of said Manor road, and southerly and southeasterly by the line of Middletown, shall be known as the Fifth Ward. All the residue of said village shall be known as the Sixth Ward.

Corporate
Powers
granted

§ 2. The inhabitants resident within the above named boundaries are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "The Village of New Brighton," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity, and may make, keep and use a common seal, and alter the same at pleasure.

May pur-
chase and
convey real
estate.

§ 3. Said corporation shall have the power to acquire by purchase or otherwise, and hold and convey such real and personal estate as the purposes of the corporation may require.

TITLE II.

OF THE TRUSTEES AND THEIR DUTIES ; ELECTIONS.

Qualifica-
tions of
Trustees.

SECTION 1. There shall be six trustees of said village, one from each ward, who shall be elected by ballot by the electors of the ward, and shall hold their offices during the terms prescribed by this act and until their successors shall be duly qualified. They shall be residents, legal voters, and freeholders within the ward for which they shall respectively be elected trustees, and who pay an annual tax of not less than twenty-five dollars on their freehold estate within the ward.

Three Trust-
ees elected
each year.

§ 2. At every annual election held under this act three trustees shall be elected : at one election a trustee from the first, third, and fifth wards respectively ; and at the next election from the second, fourth, and sixth wards, and so on alternately. Each trustee so elected shall serve for two years from the first Tuesday of July next succeeding such election. Every person duly elected and qualified, who shall neglect or refuse to accept such office and serve therein, shall forfeit and pay for the benefit of the village the sum of fifty dollars, unless in the opinion of the court, before whom an action may be brought to recover the same, said person shall render a sufficient excuse. But no person shall be compelled to serve two terms successively. The trustees may make such rules to compel attendance at their regular meetings, as they shall deem proper.

Trustees
may make
rules.

Annual
Election

§ 3. The annual election shall be held on the second Tuesday in June in each-year. The polls shall be open

from sunrise until sunset. The place of holding the polls at all elections under this act shall be determined by the trustees, and stated in the notices to be given of each election. Notice of all elections under this act shall be given by the trustees, at least one week before such election. Such notice shall be given by posting written or printed notices in six of the most public places in said village, one in each ward, and by publishing the same for two weeks in some newspaper printed in the county of Richmond. The trustees shall appoint three inspectors of elections in each ward. The inspectors shall at each election take an oath, to be administered by either of the others, to faithfully and honestly discharge their duties as inspectors or clerks of said election. At the close of the polls the ballots shall be counted, and a true statement thereof proclaimed to all persons present, and the clerk shall make a true certificate thereof, showing the number of votes cast for each person voted for, which shall be signed by the inspectors of said election, and sworn to by said inspectors, and filed in the office of the clerk of the village on the day following the election; and shall thereafter remain a public record of the village. Said statement, so signed and sworn to and filed, shall determine the persons elected, and the clerk of the village shall within five days after said election give notice to said persons of their election. In case two or more persons, who may be eligible, shall have an equal number of votes for the same office, the inspectors shall forthwith deliver all the votes cast at said election to the president of the board of trustees, who shall, in the presence of the board, determine by lot which shall be deemed elected, and in such case the facts shall be set forth in the certificate of the canvass, and in whose favor the lot was determined. Said certificate shall be signed by the president and the clerk of the board, and sealed by the seal of the village.

Notice of
Elections.

Inspectors
of Elections
and their
duties.

§ 4. Every inhabitant residing within the boundaries of the village who possesses the qualifications necessary to entitle him to vote for member of assembly, shall be qualified to vote at any election held under this act.

Qualifica-
tions of
Voters.

§ 5. At the meeting of the trustees held next after the time when the newly elected trustees of any year shall be entitled to take their seats, said board of trustees shall by ballot choose one of their number to be president of the board of trustees for one year from that date. In case of the absence of the president from the village, or his temporary inability to discharge his duties, a president *pro tem*, shall be chosen, who shall possess all the powers and perform all the duties of the president until he shall resume the

President
of
the Board
of Trustees

performance of such duties ; and in case of the death, resignation or removal from the village of the president, the vacancy shall be filled by the board in the manner above mentioned.

Election of
Clerk and
Treasurer.

§ 6. The trustees shall by ballot choose a clerk of the board, and a treasurer, who shall hold their respective offices during the pleasure of the trustees, but in case of removal of either, the cause shall be stated in the resolution. The office of town clerk of the town of Castleton is hereby abolished, and the village clerk of the said village shall perform all the duties of town clerk of said town, except as the same may be inconsistent with the provisions of this act ; and all papers, notices and proceedings required by law to be served upon or filed with said town clerk, or in his office, shall be served upon or filed with said village clerk, or in his office, and shall have the same force and effect as if said clerk had been elected town clerk of said town ; but no fees shall be required or paid for any services rendered by said clerk, either by said village or said town, except the salary to be paid to him as herein provided.

Duties of
President.

§ 7. It shall be the duty of the president to preside and vote at all meetings of the board of trustees, and in case of an equal division upon any question, the same shall be deemed lost. It shall be his duty to see that all laws, ordinances, rules, regulations, resolutions and by-laws of the board of trustees are faithfully executed and enforced, to receive complaints of any breach or violation thereof, and to prosecute or cause to be prosecuted, in the corporate name, all offenders against the same, and for all penalties, fines and forfeitures incurred by reason of any such breach or violation ; to keep the corporate seal ; to inspect the property of the corporation, and see that the same is properly taken care of and kept in order, and to do all such other acts and things as may be proper for him to do as president of the board of trustees. He shall be chief of the police of the village, and as such shall have the supervision and direction of all policemen of the village.

Duties of
Clerk of
Village.

§ 8. The clerk of the board of trustees shall have the custody of, and safely keep all the books, papers and records belonging to the corporation, and all public records of the village, which books, papers and records shall at all times be open for inspection by the inhabitants of the village, and upon request and the tender of fees, at the rate of six cents per folio therefor, he shall make and furnish a certified copy or transcript of any paper or record in his custody or possession as such clerk, and to which certified copy or transcript the president of the board of trustees shall, upon re-

quest and without any fee therefor, affix the corporate seal. He shall attend all meetings of the board of trustees, and keep a true and faithful record of the same. He shall attend to the publication and posting of all laws, rules or ordinances, by-laws, notices and other matters as the board may direct; shall notify all persons of their election or appointment to office under this act, within five days after such election or appointment; shall notify the trustees of all special meetings duly called, and perform such other duties as the board of trustees may from time to time lawfully require of him. In case of the absence of the clerk from any meeting or election at which he is required to officiate, his duty on such occasions shall be performed by such person as the board of trustees or the inspectors of election may in the respective case appoint.

§ 9. The treasurer shall receive and safely keep all money belonging to the corporation, and disburse the same only upon warrant specifying on what account or for what purpose the same is drawn. All warrants shall be regularly numbered, and shall be drawn by the president and countersigned by the clerk, who shall at the time of countersigning the same make a record of the amount and for what purpose drawn, opposite the number of the warrant, in a book to be kept for that purpose in his office. The treasurer shall make and keep a correct record and account of all such receipts and disbursements, and all vouchers shall be preserved until more than ten years old, in the office of the clerk of the village. The treasurer shall prepare and report to the board of trustees at their last regular meeting in each year, a detailed account of the state of the finances of the corporation, and of the receipts and disbursements during the year, which account shall be handed to the board to be duly audited by them. He shall at any time when required by the board of trustees, furnish them with such statements in regard to the finances and the receipts and disbursements, debts, dues and demands of the corporation as may be called for by the board of trustees. The books, accounts, papers and vouchers of the treasurer shall at all times be open for inspection by any of the trustees.

Duties of
Treasurer.

§ 10. The office of commissioners of highways in the town of Castleton is hereby abolished, and all the powers and duties of commissioners of highways within said town are hereby vested in the trustees of said village.

§ 11. Every trustee, clerk and treasurer elected or appointed pursuant to the provisions of this act, shall within twenty days after the commencement of the term for which he was elected, or if appointed, within the same time after

Oath
of Office

notice of such appointment, severally take and subscribe an oath or affirmation, before some officer authorized by law to administer oaths, the oath prescribed by the constitution of the State of New York, which oath shall be filed with the clerk of the board of trustees before such officer enters on the duties of his office. In default of such oath or affirmation being so taken and filed, the board of trustees may declare the office vacant; and appoint a person to fill such vacancy as authorized by this act.

§ 12. The treasurer shall, before entering upon the duties of his office, execute a bond to the "Village of New Brighton" in such sum and with such sureties as the board of trustees may approve, conditioned that he will faithfully execute the duties of his office and honestly and faithfully account for and pay over all moneys recovered by him by virtue of said office, which bond shall be submitted to the trustees and by them approved; the clerk shall endorse such approval on the bond and file the same in his office. The board of trustees may at any time require other or additional security by filing a further bond in the same manner from such officer, and they may, if they deem proper, suspend such officer from the performance of his official duties until such additional security shall be filed as they may approve, and in default of prompt compliance with such requisition may remove him from office.

§ 13. The trustees respectively shall not receive any compensation for their services as such, beyond actual and necessary expenses and disbursements incurred and made by them in the execution of the duties of their office, nor shall they individually or jointly with any other person or persons contract or agree for any work to be done, or material or supplies to be furnished to the corporation, or be in any manner interested, directly or indirectly, either as principal or surety, in any such contract, or receive or be entitled to any compensation or payment for any work done for or material furnished to the corporation. The trustees may make such reasonable compensation to the clerk, treasurer, or other subordinate officers of the corporation, for their respective services, as the board may, from time to time, deem meet, which shall not be changed between the period of the appointment or election of any such person, and the termination of the period for which he shall be appointed or elected; provided such compensation to the treasurer shall not exceed one per centum upon the credit side of his accounts for receiving and paying out the same, and such additional sum as the trustees may allow him for services collecting taxes and assessments which additional sum shall not be al-

lowed unless a penalty has accrued upon such tax or assessment and been collected, and shall in no case exceed seven per cent. of the amount of such taxes and assessments collected.

§ 14. When any trustee shall decline the office, die or resign, cease to be a freeholder in or remove from the village, or in any way cease to possess the requisite qualifications, the board shall elect, by ballot, in his place, some other person qualified to act as trustee, and the trustee so elected shall hold his office for the residue of the term of the original incumbent.

Vacancies
how filled.

§ 15. In case any person having been an officer of the corporation shall refuse or neglect to deliver to his successor in office, within ten days after the notification and request, all the moneys, books, papers, records, property and effects of every description in his possession, or under his control, belonging to the corporation or appertaining to his office, he shall forfeit and pay for the use of the corporation the sum of twenty-five dollars for each and every day he shall so neglect or refuse, and also all damages caused by such neglect or refusal.

Fine for
failure to
deliver up
Village
Archives or
property.

§ 16. The justices of the peace of the Town of Castleton, shall have and possess power and jurisdiction to hear, try and determine all actions and complaints brought to recover any fine or penalty imposed for violation of any law, ordinance, by-law, rule or regulation of said village, and to render such judgment therein as may be authorized by law. The said justices of the peace in said town of Castleton, shall be entitled to receive from the village of New Brighton compensation for their services in criminal cases, and cases arising under the ordinances of said village, at such rates and under such regulations as may be prescribed and fixed by the board of trustees of said village: provided, however, that the total compensation paid in any one year to all said justices of the peace of said town, shall not exceed twelve hundred dollars, the sum to be paid by said village to such justices as such compensation to be in full payment for all services rendered by them as such justices, and they shall receive no other compensation either from the Village of New Brighton or from the Town of Castleton, and no other compensation shall be paid by or other charge made upon or against said village or town, for any services of justices of the peace or constables, nor shall said village or town be liable, nor any person or property therein be taxed, for any fees for such services except as aforesaid; and all fines and penalties imposed or received by said justices, shall be paid by said justices, into the village

Compensation
of Jus-
tices of the
Peace.

treasury within one week after the same has been imposed or received.

Compensation of Assessors.

§ 17. The board of trustees of said village shall annually allow and pay to each of the assessors or the Town of Castleton, the sum of three hundred dollars, such payment to be in lieu of any and all compensation, fees or charges, now allowed by law to such assessors for services to the Town of Castleton or the Village of New Brighton; and such assessors shall not be entitled to and shall not receive from the Town of Castleton or the village of New Brighton, any other or greater amount for any services performed by them.

TITLE III.

OF THE SPECIAL POWERS AND DUTIES OF THE BOARD OF TRUSTEES :

The Trustees control the Finance, &c.

SECTION 1. The Board of Trustees shall have the sole control and management of all the finances, and of all the real and personal estate of the corporation., and of the roads, avenues, streets and public places of the village, and shall audit and order paid all accounts chargeable against the corporation. They shall also have power within the village, and it shall be their duty :

Define duties of Corporation officers.

1st. To declare and define the duties of all officers of the corporation whose duties are not especially prescribed by this act, and fix their respective compensation, subject to limits herein prescribed. All officers appointed by the board of trustees shall respectively hold their office during the pleasure of such board.

2d. To provide for the care and custody and preservation of all the property, records and papers of the corporation.

Order and control public streets, make repairs, &c.

3d. To keep the roads, avenues, streets and public buildings and places of the village in good repair, order and condition; to construct sewers, culverts and drains; to make and repair all bridges which may be necessary or convenient; to regulate and prescribe the width and grade of all the streets, avenues and sidewalks; to macadamize or pave streets; and to flag or pave cross or sidewalks; to lay out and open new roads and streets; to widen, alter, change the grade of, or otherwise improve roads, avenues, streets and sidewalks; to prohibit and remove all obstructions, incumbrances and nuisances from the roads, avenues, streets, public buildings and places; to plant, protect, and remove trees in the roads, avenues, streets and public places; to compel the owner or occupant of any premises to clean the gutter opposite such premises;

4th To prohibit, regulate and direct the location of all butchers' slaughter houses and places where animals may be slaughtered by them, and to prohibit the slaughtering thereof by butchers elsewhere in the village. Regulate or prohibit slaughter houses.

5th To designate the places where powder and all other explosive material may be stored, and to prohibit its storage elsewhere in said village, and to regulate the conveyance thereof through the same. Designate storage for explosive material

6th. To prohibit and abate all nuisances. Abate nuisances

7th. To restrain and prevent cattle, horses, sheep, swine, goats, geese, and all other animals, from going at large or grazing in the roads, streets and public places of the village; to purchase or lease suitable plots of ground, or otherwise to erect, maintain or provide pounds, in convenient places in the village, to appoint pound masters and fix their compensation; to cause animals impounded and not redeemed within a time to be fixed by the board, to be sold to pay the penalties and charges, or, in their discretion, to proceed against the owner or owners of such animals by action for the recovery of such penalties as may be imposed by any by-law or ordinance of the board of trustees prohibiting the same, together with costs of suit. Any person allowing any cattle, horses, sheep, swine, goats, geese, or any animal belonging to him or her, to run at large in the roads, streets or public places of said village, shall be liable to a fine of one dollar per head, over and above all penalties prescribed by the trustees, for each and every animal so permitted to run at large to be recovered and retained by any resident of the village before any justice of the peace of the town of Castleton. The trustees are hereby authorized to require the owner or owners of any land bordering on any highway of said village, to erect and maintain a suitable fence along the line of such highway, and in case of the neglect or refusal of such owners or owners to erect such fence within a reasonable time to be fixed by the board, said trustees are hereby authorized to cause the same to be erected, and the cost thereof shall be a lien upon the land so fenced, and may be recovered by action against such owner or owners by suit before any court, or may be collected in the same manner as provided for the collection of taxes in said village. Any person convicted, in due course of law, of willfully tearing down, removing or injuring any fence within the village, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both, in the discretion of the court. Establish a public pound.

8th, To prevent horse racing and immoderate riding or Prevent horseracing

driving, and to prevent persons leaving horses or teams in the roads, avenues, streets or public places of the village without being tied or properly fastened.

9th. To license hacks and hack drivers; public conveyances; and public venders of merchandise; dealers in truck; and peddlers; and all theatrical or other public amusements for admission to which an entrance fee is charged; and to fix and establish the fees to be paid for such licenses.

10th. To take such measures as they may deem proper for the prevention or removal of any pestilential or infectious diseases.

11th. To determine the lines of all roads, avenues, streets and public places of the village, to prohibit the encroachments upon any street, road, avenue or public place, and to cause the obstruction to be removed at the expense of the owner or constructor thereof, and to compel parties to keep the gutters clear and in good order in front of land owned by them respectively, at their own expense, and to repair the same when out of order at their like expense.

12th. To purchase a site for, and to erect and maintain a suitable building or hall for holding courts and elections, for the public offices for the use of the board of trustees, and for such other public purposes as the board may, from time to time, authorize and appoint, and for this purpose said board may borrow on the credit of the corporation a sum not exceeding thirty-one thousand dollars on a credit not exceeding twenty years, and as security therefor, may issue and dispose of the bonds of the corporation, not below par, and at a rate of interest not exceeding seven per centum per annum, payable semi-annually. The board of trustees are hereby authorized and empowered to erect and maintain a lock-up within said village, in said hall or otherwise, in which all prisoners, arrested for any cause, within the village, or for crimes committed therein, or on a judgment for violation of any law or village ordinance, by-law, rule or regulation, may be imprisoned until brought to trial, and in case of conviction to carry the judgment into effect, provided the same be rendered for violation of any law, ordinance, by-law, rule or regulation of the village of New Brighton, and the justice or court trying the cause shall so order.

13th. It shall be the duty of the board of trustees during the month of June in each year, to cause to be published in some newspaper printed in the county of Richmond, a statement showing the financial condition of the corporation on the first day of June in each year, specifying the balance in the village treasury on the first day of June in the year pre-

ceding, all moneys received into the treasury during the current year, and when and from what sources or on what account in particular, the several payments made out to the treasury during such year, when, to whom, for what purpose or on what account, in particular, the balance in the treasury on the first day of June in the year in which such statement is published, the outstanding warrants, if any, drawn upon the treasury during such preceding year, but not then paid, the outstanding debts and liabilities of the corporation on the first day of June in said year, specifying the particular amount of each and every such debt, and the estimated amount of each and every liability, and when, to whom, and for what purpose, or on what account the same respectively were incurred or contracted, when payable, and if with interest, the rate of same; and also specifying any means of the corporation from uncollected taxes or otherwise applicable, when received, to the discharge of any such indebtedness or liability.

§ 2. The county Police of the county of Richmond, shall execute all lawful ordinances, by-laws and regulations of the board of trustee of the Village of New Brighton; said trustees shall cause a certified copy of all ordinances, by-laws, and regulations to be enforced by the county police to be served upon "the Board of Commissioners of Police for the county of Richmond," who shall make from time to time all such necessary rules and regulations for the police under their control as shall be necessary or proper for the enforcement of all such ordinances, by-laws and regulations.

Richmond
Co. Police
to enforce
ordinances.
&c.

§ 3. The board of trustees shall have the power, if deemed advisable by them, to establish, by ordinance, separate lamp districts within said village, and to make and enter into contracts with any firm or corporation for lighting the streets and avenues, within said separate lamp district with gas or other illuminating material, and for the laying of mains or pipes, and the erection or fitting up of the necessary lamps and lamp-posts, and maintaining the same and supplying them with gas or other illuminating material; and they shall have sole control of the management and lighting of the lamps when erected, pursuant to any such contract. Whenever a petition is presented to the trustees for establishing any lamp district, signed by one-third of the persons owning real estate, situated within the limits of said proposed district, said trustees shall cause notice to be published in one or more of the village newspapers, that such application has been made, and of the time and place when they will proceed on said petition, which shall not be

less than thirty days from the first publication of said notice, which notice shall be published once each week for three weeks successively; and unless a remonstrance, signed by a majority of the persons who will be assessed, shall be presented to them on or before the day specified in said notice, and if they shall deem the application proper, they may on the day specified in said notice, or as soon thereafter as may be by resolution or ordinance, create and establish such lamp district; such petition shall accurately describe the limits of such proposed lamp district. In giving notice of the pendency of such application a description of such district shall be inserted in and form part of such notice, together with the number of lamps which the trustees propose to erect in such lamp district, their proposed distance apart from each other, their probable cost and the probable annual expense of maintaining and lighting the same; and the said trustees shall not increase such number of lamps in any such lamp district, except on a petition of the majority of the owners of real estate in such district who shall be liable to be taxed for the same, except as hereinafter provided for the enlargement of such district by the annexation of contiguous territory. In case any such separate lamp districts are established by said trustees, the moneys required for the erection, support and maintenance of lamps within such separate lamp districts shall be thereafter annually raised by tax to be assessed on and become a lien upon, and be collected from the real estate within said district, at the same time and in the same manner as may be as by title five of this act is prescribed for the assessment, levying and collecting of taxes within the village limits. Such lamp districts may be enlarged by annexation of contiguous territory, on petition of one-third of the persons owning real estate situated within the territory proposed by such petition to be added thereto, in the same manner as hereinbefore provided for the first establishment of such district, and the expense of erecting lamps in such additional territory shall be assessed upon the real estate within such additional territory, in the same manner as hereinbefore provided for the expense of erecting lamps in the first established district; and the expense of maintaining and lighting such lamp district shall be defrayed by a general tax upon the whole of said district as enlarged, and the trustees shall have the power, whenever in their discretion they shall deem it proper to do so, to consolidate any two or more of the separate lamp districts, so as to make of all or any number of the lamp districts of the village only one district, the expenses of which shall be defrayed by general tax on the whole consolidated district.

§ 4. The said board of trustees shall have power to make, adopt, establish, modify, enforce, amend or repeal ordinances, rules, regulations and by-laws, for all or any of the purposes aforesaid, and to do all acts, matters, and things necessary for carrying into effect any resolution, ordinance or other proceeding which, by the charter of the village, they are authorized to adopt.

§ 5. The board of trustees shall have exclusive power to audit and pay all claims against the Village of New Brighton, or against the Town of Castleton; and for that purpose they shall have the same powers and duties in all respects as boards of town auditors have or possess. To audit claims against the Village of N. Brighton or Town of Castleton

The board of town auditors of the Town of Castleton is hereby abolished. The board of supervisors of the county of Richmond shall not audit any claims against said village or town; and shall not levy, assess, or cause to be collected, any sum of money whatever upon the taxable property or inhabitants of said town, except the state and county tax.

§ 6. The board of trustees shall have power to expend in aid of the fire companies in said village, toward the purchase or repair of houses, engines or other apparatus, such sum or sums as in their discretion they may deem proper, not exceeding in all, in any one year, the sum of fifteen hundred dollars. Appropriation for Fire Companies. Received \$3000
on 5-24-88

§ 7. Each of the trustees shall have power and is hereby authorized, at any and all times, to arrest, or cause to be arrested either with or without process, any person who shall commit, or threaten or attempt to commit, in the presence of such trustee or within his view, any breach of the peace or offense directly prohibited by the charter of the village, or by any ordinance, rule, regulation or by-law of the village. Trustees power to make arrests.

TITLE IV.

OF IMPROVEMENTS AND ASSESSMENTS THEREFOR.

SECTION 1. †Whenever the board of health of the Village of New Brighton by resolution requests the board of trustees of the said village to construct, extend, or alter any sewer or sewers in the said village the said trustees are authorized and empowered to construct, extend, or alter the same. Whenever owners who will be subject to more than

* Amended in 1837. See page 32, post.

† Amended by Chap. 418, Laws of 1889.

one-half of the assessment hereinafter provided for in this section shall make application to the board of trustees for the construction of a sewer it shall be the duty of such trustees and they shall forthwith construct a sewer through the streets named in such written application, providing the line of said sewer shall extend to another sewer capable of receiving the sewerage therefrom, or to the waters of the Kill Von Kull or New York Bay.

Whenever the board of trustees shall be of the opinion that the whole or a part of the expense of any improvement they may make in the village ought to be borne by a particular part or by particular inhabitants of the village, they shall have power to charge such expense, or such part thereof as they may deem just, upon a particular part, or upon particular inhabitants, of the village and may make an assessment for that purpose provided that unless the assessment shall be for the construction extending or alteration of a sewer by the trustees in pursuance of an application by the said board of health as hereinbefore provided for in this section, no local or special assessment shall be laid or imposed, unless such improvement shall have been made upon the previous written application of those who will be subject to more than one-third of such assessment. They shall state in the assessment the persons and the lands which they shall charge and the sum which they shall assess against each person and each parcel of land, which assessment shall be subscribed by at least four of the trustees, filed with the clerk of the board, and be open to the inspection of all persons interested therein.

The trustees shall thereupon cause a notice to be posted in six or more public and conspicuous places in the village and also to be published once in each week for two weeks consecutively in some newspaper printed in the county, and having a general circulation in the Village of New Brighton, setting forth that they have made such assessment, the date and purpose thereof, the names of the several persons assessed, and the amount of their respective assessments, and that such assessments may be examined on application to the clerk of the board, and that the board of trustees will attend at a time and place to be specified in such notice not less than fourteen days from the posting of such copies, to hear any person objecting to such assessment. The board of trustees shall convene at the time and place so specified to hear or receive any objections, oral or written, that may be offered to such assessment. If no objection shall be made thereto, they may forthwith confirm the same: but if any objections shall be made thereto they

shall review such assessment, and may make any alterations therein, or confirm the same without alteration, as they may deem just, which assessment, when so confirmed, shall be filed with the clerk of the board of trustees, and be open to the inspection of all persons interested therein, and the clerk shall post up and publish in like manner as above specified, a notice that such assessment has been finally settled by the board of trustees, and stating whether, as first imposed or with alterations, as the case may be, without its being necessary to specify any such alterations in such notice. Any person who may conceive himself aggrieved by the assessment may, within fifteen days after the posting of such last mentioned notice, appeal to the County Court of Richmond County giving a written notice of his appeal to the president and to the clerk of the board of trustees: upon such appeal the County Court shall examine the assessment and may affirm, alter or correct the same as shall be just, but if it shall be alleged and satisfactorily shown to the court that such assessment is in violation of the restriction hereinbefore imposed such assessment shall be quashed. If deemed by the court expedient, it may order a reference to some person to inquire into the truth of such allegations, take proof thereof, and report thereon to the court and the decision of the court in the matter of such assessment shall be final and conclusive. If no objection to such assessment shall have been made to the board of trustees, or in case there may be no such appeal within the time allowed, or when upon appeal the assessment shall be established by the county court, the board of trustees may proceed to levy the assessment, and shall issue to the collector of the village a warrant for the collection thereof, which warrant shall be sealed with the corporate seal and subscribed by the president and countersigned by the clerk of the board. The treasurer shall proceed to collect such assessment in the same manner as taxes are collected, and the same penalties shall be imposed for non-payment as in case of taxes.

§ 2 *The board of trustees shall have power to build, extend, enlarge, or alter any sewer or sewers or proposed sewer or sewers and maintain the same over, across or through the land, or land under water, or real estate, of any person or corporation, and they shall have power to lay out or open or widen, extend or alter any road, avenue or street in the village, at the request of the owner or owners of all the land required for that purpose, and a cession of

* Amendment by Chap. 418, Laws of 1889.

the same to the corporation for such use, or upon the written application for that purpose subscribed by those who will be required to contribute, whether in the value of the land to be taken therefor or in money, or in both, more than one-fourth of the expense of any such improvement, or upon the application of the citizens generally, or a large proportion of those living in the immediate vicinity of the proposed improvement, but not otherwise, if in pursuance of any such application the board of trustees shall determine to make the improvement thereby requested, and the owners of all the lands required for such a purpose shall not voluntarily cede the same to the corporation for such use, the county court of Richmond County shall, upon the application of the board, appoint three disinterested persons, inhabitants of the town of Castleton, as commissioners to appraise the damage of the owner or owners of the lands to be taken for any such purpose, and to make an assessment for the purpose of defraying the expenses of such improvement. Previous public notice of such application shall be given by the publication thereof once in each week for two weeks consecutively, in some newspaper printed in the county if there be one, and if not, then by posting such notices in six conspicuous places in the village for one week before the making of such application. Any person interested in the matter may suggest to the court the names of suitable persons to act as such commissioners.

The commissioners shall view and examine the road, avenue or street to be laid out, opened, widened or altered, the land to be taken for such purpose, or if the improvement is to be the construction, extension, enlargement or alteration of a sewer or proposed sewer, and the maintenance of the same and the right of way or easement necessary for such construction, extension, enlargement or alteration, and the maintenance thereof over, across or through the land, or land under water, the land to be taken for such purpose, and the lands deemed to be benefited by such improvement.

They shall hear the trustees and all persons interested in such proposed improvement. They shall make a just appraisal of the damages which each owner of the land to be taken will sustain thereby, and also shall make an assessment for the purpose of the paying the expenses of such improvement upon all the lands deemed by them to be benefited thereby, in proportion, as nearly as may be, to the benefit resulting therefrom to such lands respectively. Where a part only of the lands or premises owned by any person or persons jointly shall be required for such improvement, the fair estimated benefit to be derived by such per-

son or persons, in common with others from such improvement, shall be assessed on the residue of such lands and premises, and the commissioners shall report the excess of damage over the benefit, or of the benefit over the damage, as the case may be, to the owner or owners of such residue, and in case the benefit and damage are by them deemed to be equal, they shall so report. The commissioners shall report in writing their appraisement of damages and their assessment for benefit, and shall therein sufficiently describe each piece or parcel of land to be taken, and the estimated value of the same, respectively, and each piece or parcel of land deemed benefited, and shall distinctly state the damages awarded to each owner of land taken, and the amount assessed upon each parcel of land deemed benefited, and the names of the owners of the land so taken and so benefited, as far as the same can be ascertained, which report shall be subscribed by the commissioners, or two of them, and be filed with the clerk of the board of trustees, and be open to the inspection of all persons interested therein. Immediately upon so filing the same, the commissioners shall cause notice thereof to be given by publishing such notice for two weeks consecutively, in a newspaper published in the county, and by posting the same in six or more conspicuous places in the village, which notice shall state that said report may be examined on application to the clerk of the board of trustees, and that the commissioners will attend, at a time and place to be specified in such notice, not less than fourteen days from the posting of such notice to hear any person objecting to such appraisement and assessment. The commissioners shall meet at the time and place specified, to hear or receive any objection, oral or written, which may be offered to such appraisement and assessment. If any objection shall be made to the same, they shall review such appraisement and assessment, and may make any such alterations therein as they may deem just. The commissioners shall thereupon cause notice to be posted and published in the manner above specified that such appraisement and assessment has been finally settled by them, and may be examined on application to the clerk of the board of trustees. Within twenty days after the posting of such last mentioned notices, any person conceiving himself aggrieved by such report, may appeal therefrom to the county court of Richmond County, upon giving written notice of his appeal to the president and clerk of the board of trustees. Upon such appeal, the county court shall examine such report, and may affirm, alter or correct the same as shall be just; but if it shall be alleged and sat-

isfactorily shown to the court that the proceedings of the trustees in the premises are not in accordance with the authority conferred upon them by this section, such appraisement and assessment shall be quashed, and the proceedings of the trustees in the premises declared null and void. If deemed by the court expedient, it may order a reference to some competent person to inquire into the truth of such allegations, take proof of the facts, and report thereon to the court.

The decision of such court in the matter of such appraisement and assessment shall be final and conclusive. If no objection to such appraisement and assessment shall have been made to the commissioners, or in case there be no such appeal within the time allowed, or when upon appeal the report shall be established by the county court upon hearing or for want of prosecution, that part of the land of any owner so required to be taken for such improvement, when the benefit to the residue of his lands therefrom shall be reported by the commissioners to exceed the estimated damages for the lands so required to be taken therefor, or when they shall report such benefit and damages to be equal, shall vest in the corporation for all purposes whatsoever of the said corporation, but the fee shall remain unchanged, and the board of trustees shall forthwith proceed to levy the several assessments for benefit, or for benefits over damage, and for which purpose they shall issue to the treasurer of the village a warrant for the collection thereof, sealed with the corporate seal and subscribed by the president and countersigned by the clerk of the board. The treasurer shall proceed to collect such assessments in the same manner as taxes are collected. Out of the assessment thus collected the board of trustees shall pay to each owner of the land taken for such improvement, or to their treasurer for his use, the amount of damages awarded to such owner, and the land shall then vest in the corporation as above provided. When an award of damages for land required to be taken for any such improvement shall be made to an unknown owner the treasurer shall not pay over the same until the claimant shall have exhibited to the board of trustees evidence satisfactory to them that he is entitled to the same as such owner or upon the order of the county court of Richmond County upon an application by the complainant to the said court after twenty days previous written notice thereof to the president and trustees, and the publication of a similar notice for four weeks successively, once in each week, in all the newspapers in the village of New Brighton, and if none are so printed, then in two papers printed in

the county, such respective notice setting forth the amount of the award and describing the premises for which the same was awarded, the said court being satisfied of the validity of such claim as owner, and the court if it shall deem it expedient, may order a reference to some suitable person to inquire into and report to the court upon the validity of such claim, and for the purpose of hearing and determining the same, the same court may at any time hold a special term at any place in the county. The cost and expense of every such application shall be born by the party against whom the appeal is decided. Before entering upon their duties said commissioners shall be sworn or affirmed before some officer authorized to administer oaths, faithfully and impartially to execute their duty as such commissioners according to the best of their ability. They shall each be entitled to a reasonable compensation for their services, not exceeding three dollars for each day they shall respectively be actually and necessarily employed in the performance of their duty: such compensation and fees of the attorney and counsel, and the charges of surveyors and other expenses necessarily incurred to be estimated as part of the expense of such improvement.

§ 3. The village treasurer shall keep a separate and special account of all moneys received and disbursed by him on account of any proceeding had by virtue of the second section of this title, which moneys so received shall be applied exclusively to the payment of the damages awarded and expenses incurred in such proceedings respectively, and the treasurer shall pay out the same only upon warrant subscribed by the president, and countersigned by the clerk of the board of trustees in favor of the person or persons entitled to receive the same, and specifying the particular proceeding in relation to which, and for what account in particular such warrant is drawn.

§ 4. Previous to issuing a warrant to the treasurer for the collection of any local or special assessment authorized by this act, a period of thirty days shall be allowed all persons to pay any such assessment into the hands of the village treasurer, without being subjected to any charge for collecting or receiving the same, of which a notice specifying such period shall be published in some newspaper published in the county, once a week for four weeks consecutively, and by posting the same in six conspicuous places in the village for three weeks before the time of payment.

§ 5. The county Court of Richmond county may hold special sessions at any time in the village of New Brighton, or at any other place in the county, for the pur-

pose of hearing and determining any appeal under this act, and the court may adjudge that the costs arising from any appeal shall be paid by the trustees, or by the appellant, as the court may deem proper, which costs shall be taxed by the court or by a judge thereof.

§ 6. The expense of grading any new road, avenue or street shall be defrayed by the owners of the adjoining land in proportion to the extent of their respective lands bounding thereon, and by such other person or persons as may be especially benefited by such improvements, in proportion to the benefit which the said persons may respectively be deemed to derive therefrom, and such expense shall be charged and assessed upon such lands and persons, and an assessment therefor shall be made by the board of trustees in the manner provided by section one of this title and all proceedings shall be had upon such assessment in the same manner provided by said section one. The expense of curbing, guttering and flagging any sidewalk of any public road, avenue or street in the village shall be defrayed by the owners of the lands adjoining to and in front of which any such improvement shall be made, in proportion to the extent of such improvement in front of their respective premises, all of which shall hereafter be kept in good repair, order and condition at their like expense, and such payment and such repairs may be enforced by the board of trustees, by assessment upon such owners or such lands, or by fine, or by action against such owners to recover the amount. But no persons holding property within the limits of the fifth or sixth wards shall be compelled to curb, gutter or flag more than two hundred and fifty feet on said property in any one year, or to pay the expense thereof.

TITLE V.

OF TAXES AND THE COLLECTION THEREOF.

SECTION 1. *The board of trustees shall have power to raise annually by taxation upon the taxable inhabitants of the village of New Brighton, and upon the property therein liable to taxation, such sum of money as they shall deem proper, not exceeding two per cent. upon the assessed valuation of the property within said village the same to be expended in the payment of the expenses of the corporation for roads and improvements, and to carry into effect the several powers, duties and privileges granted, imposed

*Amended by Chap. 87, Laws of 1889.

and conferred by this act hereby amended, and they shall on or before the first day of April in each year determine what sum shall be raised by tax for the then current year and shall proceed to levy, assess and collect the same in the manner prescribed in the next section and such tax shall in each year be levied and assessed between the first day of April and the fifteenth day of May. Said Board of Trustees shall expend annually, for the purchase of material and the maintenance of the roads, streets and avenues, at least one-half of the tax so raised.

§ 2. The assessors of the Town of Castleton, when they make their annual assessment shall, besides the assessment roll of the town, make a copy thereof. They shall on or before the first day of September in each year, deliver such copy certified by themselves, to the clerk of the board of trustees of the village of New Brighton, who shall present the same to the board of trustees at their next annual meeting, and said board shall, within as short a time as practicable, and before the first day of March thereafter, examine and correct the assessment roll of the village in the same manner as the assessment rolls of towns are corrected by the board of supervisors, and for that purpose shall have the power and authority as supervisors now have, and such corrected assessment roll of the village shall be at once delivered to and filed with the clerk of the village. The board of trustees shall charge the amount which they have determined to raise by tax for the year upon the aggregate amount of the assessment roll of the village as corrected by them, and shall calculate and set down in a proper column, opposite to each valuation of real and personal estate, the sum to be paid as a tax thereon. A warrant, sealed with the corporate seal, subscribed by the president and countersigned by the clerk of the board of trustees, shall be issued to the treasurer of the village, by which he shall be authorized and required to receive and collect from the several persons named in the assessment roll and property described therein, the several sums charged upon their property as taxes. A fair copy of the assessment roll shall be annexed to the warrant; such warrant shall be in the same form, as near as may be, as the warrants for the collection of taxes issued by boards of supervisors to town collectors, and shall be returnable in three months from the date of its issue. The treasurer shall proceed to receive and collect taxes, for which purposes he shall have all of the power that a collector for a town now has.

§ 3. All taxes and assessments authorized by this act shall be and remain a lien upon the lands and premises upon

which the same shall be imposed or assessed for a period of ten years, unless sooner paid. To all taxes and assessments which shall remain unpaid for thirty days after the issuing of the warrant for the collection thereof, there shall be added five per cent., and to all taxes remaining unpaid sixty days after the issuing of said warrant there shall be added five per cent. more, and in addition to the ten per cent. so imposed, there shall be added twelve per cent. per annum interest from the time of issuing said warrant until paid.

When any such tax or assessment upon real estate, shall be returned by the treasurer on the warrant issued to him as unsatisfied in whole or in part, it shall be lawful for the board of trustees, and it shall be their duty at any time after one year, and within five years from the laying of the tax or assessment, to cause such lands and premises, or such part thereof as they shall deem sufficient for the purpose, to be properly described by metes and bounds, and to be sold by public auction, within the village, for the payment of such tax or assessment, or such part thereof as may be remaining unpaid, and the interest and penalty thereof, together with the expense of advertisement and sale. Public notice shall be given of such sale by the board of trustees for the time and in the manner required by law, in case of sale of real estate on execution, and the sale shall be conducted in like manner.

The sale shall be for the shortest term of years for which any person will take the premises and pay the amount of tax or assessment, with the interest, penalty and expenses. The right of redemption in all cases of sale shall exist to the owner or owners of the premises sold, and to the heirs, assigns or creditors of such owner or owners, in the same manner and to the same extent as is allowed by law in cases of sale of real estate on execution; the payment for such redemption shall be made to the treasurer of the village for the use of the purchaser or purchasers of the premises, or the legal representatives or assigns of such purchaser or purchasers. Said treasurer shall give to the person so making such payment a receipt for the money, expressing on what account the money is received, and also a duplicate receipt expressing the same; and the person so making such payment shall file the duplicate receipt with the clerk of the board of trustees, and such redemption shall not be complete until the same be so filed.

Upon a sale being made, the board of trustees shall give to the purchaser or purchasers a certificate in writing, under the corporate seal, subscribed by the president and countersigned by the clerk of the board, containing the name of

the purchaser or purchasers, a brief description of the premises sold, the term for which they were sold, the amount of tax or assessment, with the interest and expense, for which the sale was made, the name of the owner or owners of the premises, according to the assessment roll, and the time when the purchaser or purchasers will be entitled to a lease of the premises in case the same be not redeemed. The purchaser or purchasers shall cause a duplicate of such certificate to be filed with the clerk of the village, and a like duplicate with the clerk of the county of Richmond, within three days after the sale, who shall index the same in a book kept for that purpose. In case the proceedings be discontinued before the sale, the board of trustees may charge for such expenses the sum of three dollars in addition to printer's fees, and in case the premises be sold, they may charge for such expenses and certificate, the sum of six dollars in addition to printer's fees. In case a lease be given, as hereinafter provided, they may charge therefor the sum of five dollars, to be paid on delivery thereof by the person taking the same. When there shall be no redemption within the time allowed by law, or in case of a redemption by a creditor or creditors, the board of trustees shall execute and deliver to the person or persons legally entitled thereto, a lease of such premises, under the corporate seal, subscribed by the president and countersigned by the clerk of the board, which lease shall be for the term for which such premises were sold, computing the same from the expiration of fifteen months from the day of sale. The lease shall be presumptive evidence that such tax or assessment was legally imposed, and that the proceeding and sale were regular. The person or persons lawfully holding such lease may, by virtue thereof, obtain possession of the premises in the manner prescribed by law relative to persons holding over any real estate sold under execution and shall and may lawfully hold and enjoy the premises during the time specified in the lease, against the owner or owners thereof, and all persons claiming under such owner or owners; provided, however, that in case such lease be for a term exceeding three years, it shall, unless recorded in the office of the clerk of the county of Richmond within thirty days after the delivery thereof, cease to be valid, or to operate as a lien upon the premises as against any purchaser or mortgagee of the premises in good faith for a valuable consideration and without notice. In recording such leases, the county clerk shall cause the same to be indexed to the owner or owners of the premises.

The person or persons lawfully holding such lease may,

at the expiration of the term, or within thirty days thereafter, remove all buildings put upon the premises during the term in the exercise of the right of occupancy under such lease.

§ 4 After providing for the payment out of moneys raised by tax in the village in each year, of all general expenses, such as salaries, interest, election and printing expenses, and other expenses for matters affecting the whole village, the remainder of the moneys so raised annually by tax shall be expended by the trustees in making and repairing roads, and in other improvements in the several wards, in proportion, as near as may be, to the amount of tax paid in each ward respectively.

TITLE VI.

OF BORROWING MONEY ; ISSUING BONDS.

SECTION 1. It shall not be lawful for the board of trustees to borrow money, or to issue any bonds or other evidence of debt, or to incur liability for the payment of money in any year beyond the revenue of that year, except as authorized by this act, or as may be specifically authorized or provided by law : all acts done, bonds, or other evidences of debt issued, and debts contracted contrary to the true meaning and intent of this section, shall be absolutely null and void as against the corporation.

TITLE VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The moneys levied from the village by taxes, and all assessments, fines and penalties for future rents, and other moneys recovered or received by the trustees or their treasurer, shall be the funds of the corporation, to be applied by the board of trustees to the objects and purposes of this act.

§ 2. All work to be done, and all supplies to be furnished for the corporation, involving an expenditure of more than two hundred and fifty dollars, shall be by contract founded on written bids or proposals made in compliance with public notice for the period of ten days, such notice to be posted in at least six public and conspicuous places in the village, and to be published in some newspaper in the village, if any, and all such contracts when given shall be given

to the lowest bidder, if the trustees shall decide to award the contract at all, after such bids are received. The person or persons being the lowest bidder, shall be required by the board of trustees to give adequate security for the faithful performance of such contract. All such bids or proposals shall be opened by the president in presence of the board, and such of the parties making them as may desire to be present thereat, and at such time and place as may be specified in such notice.

§ 3 For all or any of the purposes mentioned in this act, and for the execution of the several powers and duties thereby conferred or imposed upon them, the board of trustees may make, adopt, establish, modify, amend and repeal all such laws, ordinances, rules, regulations and resolutions as may be suitable for the purpose and not contrary to law, and may therein and thereby prescribe such penalties, fines and forfeitures for the violation thereof as they may deem proper, not exceeding fifty dollars for any one offense, and collect the same, with costs of suit, of any person or persons guilty of such violation, in any court having jurisdiction in the case. All laws, ordinances, rules and regulations for the general government of the village, whereby any penalty, fine or forfeiture shall be imposed for the violation thereof, shall be published for fourteen days by posting copies thereof in at least six public and conspicuous places in the village, and also by the insertion thereof in one of the public newspapers, if any, printed in the village, once in each week for two weeks consecutively, before the same shall take effect, such period of time to be computed from and exclusive of the day on which such copies shall be so posted.

§ 4. The board of trustees shall hold regular and stated meetings at least once in each month, at such time and in such place within the village as shall be specified in their by-laws, and may meet as much oftener as the public business may require. Special meetings shall be held whenever required by the president and any two of the trustees, or by any four of the trustees without the president. All meetings of the board of trustees shall be public.

§ 5. A majority of all the trustees, when duly convened, shall be a quorum, competent to transact any business that may be lawfully transacted by the board. The vote of a majority of the whole board shall be necessary to render valid and legal any act done or business transacted at such meeting, but no law, ordinance or by-law shall be made, adopted, established, modified, amended or repealed, or any improvement requiring a local or special assessment determined upon, or any such assessment laid, imposed or alter-

ed, or the sum to be raised as the annual tax determined, or any officer of the corporation appointed or removed, unless at least three of trustees shall concur therein respectively, and the names of those voting in the affirmative, and also the names of those voting in the negative, shall, in every case, be specified in the minutes of the board.

§ 6. The clerk of the board of trustees shall record in a book provided for that purpose, every law, ordinance, rule, regulation and by-law enacted or adopted by the board of trustees, which shall be signed by the president or acting president, and also by the clerk, to which shall be subjoined a certificate subscribed by the clerk, of the time and manner of publication thereof, in case where publication is required. Every such law, ordinance, rule, regulation, resolution or by-law, and all other acts and proceedings of the board of trustees may be read in evidence in all courts and places in this State, either from a copy thereof, duly certified under the corporate seal, and signed by the president and clerk of the board, or from any printed volume containing the same, and accompanied by a certificate of such president and clerk, that such volume contains a correct transcript of the proceedings of the board of trustees, and was printed by authority of the board. The publication required by the third section of this title, may be proved by the production of the original record of such publication, made as above required, or by a copy of such record, duly certified under the corporate seal, and signed by the president and clerk of the board. Copies of all papers or records, duly filed in the office of the clerk of the board, certified in like manner as above provided, may be given in evidence with the same effect as if the original were produced.

§ 7. When a judgment shall be recovered for any fine or penalty imposed by this act, or by any law, rule, regulation, by-law or ordinance of the board of trustees, it shall be the duty of the court rendering such judgment to specify some time, not exceeding sixty days, which the defendant or defendants against whom judgment is rendered shall be imprisoned in the village lock-up or county jail in case said fine is not paid, and said defendant or defendants have no known or visible property within said village, out of which the same can be satisfied, and upon the return of an execution against the property of said defendant or defendants wholly or partly unsatisfied, said execution to be returned within thirty days, an execution shall issue against the persons of such defendant or defendants, commanding their imprisonment for the time directed by the court in rendering such judgment, and they shall be imprisoned according-

ly in the village lock-up or county jail ; and in case said defendant or defendants are now residents of the village, and shall refuse or fail to pay the judgment as soon as rendered, they shall be forthwith imprisoned as herein provided. It shall be the duty of the president to see that executions are issued against the persons in all such cases.

§ 8. The board of trustees shall have power to remit or modify any fine, penalty or judgment imposed or recovered for violation of any law, ordinance, rule or regulation of the board of trustees.

§ 9. In any action brought to recover any fine or penalty imposed for the violation of any law, ordinance, rule or regulation of the board of trustees, it shall only be necessary to state in the complaint the title and section or sections of the law, ordinance, rule or regulation alleged to be violated, and the amount of penalty claimed ; any other fact may be given in evidence without being stated in the complaint.

§ 10. No person shall be incompetent as a judge, justice, juror, referee or witness in any action or proceeding in which the corporation is interested, by reason of being an inhabitant of the village, or liable to taxation therein.

§ 11. Where any encroachment has been, or shall be made, by and any buildings or fence upon any road, or street or public place of the village, the board of trustees shall have all powers and be subject to the duties which are possessed by, or devolve upon the commissioners and overseers of the highway, for the removal of such encroachments.

§ 12. Besides the persons enumerated in section first, of title fifth, chapter twentieth, part first of the Revised Statutes, all drunken persons found in any road, street or public place in the village. all riotous persons engaged in fighting, shall be deemed disorderly persons, and may be proceeded against and punished according to law.

§ 13. This act is hereby declared a public act, and shall be construed favorably and benignly for every beneficial purpose therein mentioned or contained.

§ 14. The legislature may, at any time, alter or repeal this act. All acts and parts of acts inconsistent with this act are hereby so far repealed or modified as not to impair or affect the provisions of this act.

§ 15. The justices of the peace in said village shall retain their civil jurisdiction.

§ 16. The official acts of the trustees of the common schools within the limits of said village are hereby legalized.

§ 17. Section two of chapter fifty-nine of the laws of eighteen hundred and sixty-six is hereby repealed.

§ 18. This act shall take effect immediately.

AN ACT.

to authorize the board of trustees of the Village of New Brighton, Richmond County, to expend moneys in aid and support of fire engine, hook and ladder and hose companies in said village, belonging to the North Shore Fire Department.

The People of the State of New York represented in the Senate and Assembly do enact as follows:

SECTION 1. The board of trustees of the Village of New Brighton shall have power and are hereby authorized to expend out of the funds of said village in aid and support of any or all the fire engine, hook and ladder and hose companies located in the Village of New Brighton and belonging to the North Shore Fire Department, towards the purchase or repair of houses, engines, carriages, trucks, ladders, hose or other fire apparatus or appliances such sum or sums as in their discretion they may deem proper, not exceeding in all in any one year the sum of three thousand dollars. Any moneys expended pursuant to the provisions of this act shall be expended under the supervision and direction of the board of trustees, and subject to any regulations and requirements that such board of trustees may deem proper, at any time to establish.

§ 2 All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed

§ 3. This act shall take effect immediately.

*This proposed act never became a law. It was sent to Albany in 1888, having been drawn by John J. Kenney, clerk of the village. Instead of enacting this bill, the legislature amended the Charter (see page 17 see *) by striking out the words "fifty hundred" and inserting the words "three thousand." The words "and subject to any regulation and requirements that such board of trustees may deem proper" were inserted at the time.*

RULES OF ORDER.

I.—The president having taken the chair at the hour to which the board of trustees shall have adjourned, the clerk shall call the roll, and a quorum being present, the minutes of the preceeding meeting shall be read, to the end that any mistake therein may be corrected.

II.—After the reading and approval of the minutes, the order of business shall be as follows :

1st. Presentation of petitions.

2d Reports of standing committees.

3d. Reports of select committees.

4th. Communications and reports from officers of the village.

5th. Presentation and reference of accounts, claims and demands.

6th. Motions, resolutions and introduction of by-laws.

7th. Special orders.

8th. Unfinished and miscellaneous business.

III.—All questions relative to the priority of business shall be decided without debate.

IV.—No motion shall be debated until the same be seconded and it shall be reduced to writing, if desired by the president or any member, delivered in at the table and read by the president or clerk before the same shall be debated ; but it may be withdrawn at any time before the decision or amendment.

V. When a question is under debate no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, which several motions shall have precedence in the order in which they are arranged, and the motion for adjournment shall always be in order and shall be decided without debate.

VI.—If the question in debate contains several points, any member may have the same divided.

VII.—In filling up blanks, the largest sum and longest time proposed shall be first put.

VIII.—If any member requires it, the yeas and nays upon any question shall be taken and entered upon the minutes.

IX.—When a question has been once put and decided, it shall be in order for any member to move for a reconsideration thereof, but no motion for reconsideration shall be in order unless made at the same meeting at which the vote was taken, or at the first meeting thereafter, nor shall any motion be reconsidered more than once.

BY-LAWS AND ORDINANCES

OF THE VILLAGE OF NEW BRIGHTON, RICHMOND COUNTY, AND STATE OF NEW YORK.

Adopted by the Board of Trustees thereof, on the 18th day of June, 1875.

SECTION 1. Be it enacted that the following articles and their sections are hereby declared to be the Ordinances and By-Laws of the village of New Brighton, from and after this day ; and any person or persons who shall be guilty of any of the offenses hereinafter mentioned, shall be subjected to the penalties and provisions hereinafter prescribed :

ARTICLE. I.

OF THE CLERK.

SECTION 1. It shall be the duty of the clerk :

1. To preserve, safely keep, and methodically arrange all papers, maps, surveys, books, deeds and vouchers belonging to the village or relating to its affairs, which now are or hereafter shall be in his possession as such clerk, and to mark on all papers filed in his office the time of filing the same ; and he shall not part with the possession of any of the said papers, maps, surveys, books, deeds and vouchers.

2. To enter in the book of minutes all proceedings and resolutions of the board of trustees ; and in separate book provided for that purpose, all ordinances passed by the said board, within five days from the passage thereof.

3. To inform all persons who shall be appointed or elected to any office or place, by notice, in writing, of such election or appointment, within five days thereafter.

4. To indorse "audited" on all claims and demands against the corporation directed by the trustees to be paid, together with the day of such auditing, and sign his name as clerk to such indorsement, and file the same in his office ;

and on delivering a warrant on the treasurer to any person to take a receipt for the sum for which the warrant is drawn.

5. To cause every ordinance or by-law enacted by the trustees, imposing a penalty or forfeiture for a violation of its provisions to be published in one of the public newspapers of the village, for two weeks successively, and posted as required by the charter, and at the expiration of such publication to procure the affidavit of the printer or publisher of said paper, proving such publication as aforesaid, and affidavit of such notice, and file the same or keep in a book in his office.

6. To cause all notices required to be published by the act of incorporation, to be published as in the said act is directed, except when the duty of publishing such notice is imposed by law, or by any ordinances of the trustees upon some other officer.

7. To place, keep and file in a book or case to be provided by him at the expense of the village, the maps of all surveys that now are or hereafter may be made for the village by direction of the trustees.

8. To pay to the treasurer all moneys received by him as such clerk, for the use of said village of New Brighton.

9. To sign all warrants to be countersigned by the president.

10. To procure a book, prepared and ruled in proper form, to be called the "Assessment Book," in which shall be entered by him all confirmed assessments, and in which there shall be provided, in addition to the original entries of the report of the commissioners, columns and spaces for the entries of the time of confirmation, time of payment of each assessment, by whom paid, the date of such payment, the amount of the assessment, and the interest thereon separately, and if a sale of the land shall have taken place, then the time of such sale, and the amount for which the same was sold.

11. To insert in each warrant or voucher, and on the stub of the voucher book, the number of the warrant or voucher, the purpose for which issued, and whether chargeable to general expenses or ward expenses, and if the latter, to what wards.

12. To keep in a book to be provided for that purpose and in the manner now provided, an account of all appropriations and all expenditures either on general account or on account of each ward,

ARTICLE II.

OF THE TREASURER.

SECTION 1. It shall be the duty of the treasurer to receive and keep all funds belonging to said village, and pay out all moneys that may at any time be due or payable from said village, to any person or persons whomsoever; provided, however, that no money shall be paid out by said treasurer, except on the warrant of the clerk, countersigned by the president of the village for the time being. The bond, executed by the treasurer before entering upon the duties of his office, shall be in the penalty of such sum as the trustees shall determine, not less than twenty-five thousand dollars, with two or more sureties, who shall justify in a sum equal to double the amount of such penalty.

§ 2. When payments are made by the treasurer, the warrants, signed by the clerk and countersigned by the president, together with the indorsement of the person to whom payment is made, specifying the sum paid, shall be the only vouchers for such payments.

§ 3. It shall be the duty of the treasurer to keep the debit and credit account of all receipts and disbursements made by him, in a book to be furnished to him by the clerk for that purpose, and to report to the trustees such account, at least ten days before every annual election, and whenever required by them; and he shall keep separate accounts in each matter of street openings and gradings, and shall keep all the other separate accounts which shall be required by the charter or by the ordinances of the board of trustees.

§ 4. It shall be the duty of the treasurer to keep separate accounts of general expenses and receipts for the village, and the expenditures for and receipts from taxes and assessments in the several wards.

It shall also be the duty of the treasurer to keep a separate account of lamp tax collected, and payments made for lamps and lighting in any separate lamp district in the village.

§ 5. Every officer of the village or person appointed by the trustees to the performance of any duty, who shall pay over any money other than tax to the treasurer, shall take the treasurer's receipt for the money paid, and shall within two days from the date of such receipt, present the same to the clerk of the village, and procure the same to be countersigned by such clerk; and no receipt of the treasurer to any such officer or person as aforesaid shall be a valid and ef-

ffectual discharge for such payment until the same is countersigned as aforesaid ; and all receipts countersigned by the clerk as aforesaid shall be entered in a book to be by him provided for that purpose.

ARTICLE III.

OF THE RICHMOND COUNTY POLICEMEN.

SECTION 1. It shall be and is hereby decided to be the duty of any policeman of the Richmond County Police, or any other persons, to arrest and convey to the pound all cattle and other animals found running at large, or feeding in the streets, avenues or public places of this village.

They shall note every violation of any ordinance or regulation of the village, by obstructing the avenues, streets and public places, or encumbering the same by vehicles or otherwise, or by throwing ashes, garbage or refuse in the streets, avenues or public places of the village.

They shall notify all offenders of such violation of the village ordinances, and if such obstructions or encumbrances, or such ashes, garbage or refuse be not forthwith removed, they shall report such violation to the clerk, and they shall perform such other duties in relation to the enforcement of the ordinances of the village, as may from time to time be required of them by the board of trustees.

§ 2. And it shall be the duty of the policemen aforesaid, to arrest any person found committing a violation of any of the village ordinances, in all cases where such violation renders the person committing the same liable to such arrest, and in all cases where an arrest is made, the person arrested shall forthwith be taken before a justice of the peace, to be dealt with according to law.

ARTICLE IV.

OF STREETS, BRIDGES, ETC.

SECTION 1. No person shall place or cause to be placed, any stone, timber, lumber, plank, boards or other materials for building, in or upon any street, lane or public square, without a written permission for that purpose, first obtained from the clerk under penalty of five dollars for each offense, and the further penalty of five dollars for each and every forty-eight hours during which the articles or materials aforesaid shall be or remain in any such street, alley or public square (without permission as aforesaid,) after notice

from the clerk to remove the same, subject, however, to any appeal to the board of trustees.

§ 2. The clerk is authorized to grant any person permission to place any building materials in any of the streets, alleys and public squares of the village; such permission, however, shall not be for a longer period than three months, nor authorize the obstruction of any part of the sidewalk, nor more than one-third of the carriage way of the street opposite the lot or place where the building is proposed to be erected. For every permit so granted, the applicant shall pay to the clerk a fee of fifty cents, and such permission may be revoked at any time by the trustees.

§ 3. Every person to whom permission is granted as aforesaid, shall cause all the timber, building materials and rubbish to be removed after a notice in writing to do so shall be served upon them by the clerk, and for neglect or refusal so to remove, shall be liable to a penalty of ten dollars for every twenty-four hours such encroachment shall continue after the expiration of said notice.

§ 4. No person shall hereafter erect any building, yard or enclosure in the village, bounded on the line of a street, unless the range of such building, yard or inclosure with the street shall have been first laid down by the trustees; and if any building hereafter erected, shall project beyond the line of any street, the person or persons causing the same to be erected, shall, within twenty days after notice thereof being given to said party or parties by the trustees, remove the said building to the line of the street; and for any omission so to remove the same, such person or persons shall forfeit and pay a penalty of twenty-five dollars, and a further penalty of five dollars for every twenty-four hours the said building, yard or inclosure shall remain beyond such line.

§ 5. No person shall cast or throw, or cause to be cast or thrown, into any of the drains, ditches, gutters or sewers within the village, any straw, shavings, wood, stones, shells, rubbish or any filth or other substance, or cause any obstruction, nuisance or injury to the same, by diverting or stopping the course thereof or otherwise, under a penalty not exceeding fifty dollars, nor less than three dollars, for every such offense, in the discretion of the magistrate convicting.

§ 6. All streets, avenues and roads shall be kept free and unobstructed from carriages, wagons, carts, sleighs, or other vehicles, except so far as may be necessary in passing over the same, or in the transaction of business; and while being used for the transaction of business no such carriage,

wagon, cart, sleigh, or other vehicle shall occupy any part of the road except the side thereof. And all crosswalks within the village are to be kept and reserved free from any sleighs, wagons, carts, or carriages being placed thereon, except so far as may be necessary in passing or repassing the same without continuing thereon any longer; and the owner or driver of any sleigh, wagon, cart, or other carriage offending herein shall forfeit and pay the penalty of two dollars.

§ 7. No person shall, without the permission of the trustees, dig, remove or carry away, or cause the same to be done, any stone, earth, sand, or gravel from any public street, highway, lane, or public square in this village, under the penalty of not less than five or more than fifty dollars for each offense, in the discretion of the magistrate convicting. And it shall be unlawful for any person to drop or deposit any stone, gravel, sand or other material on any of the streets of this village, under a like penalty.

§ 8. No person shall place or caused to be placed, or it shall not be lawful for the owner or occupant of any estate within the limits of said village, or for any other person to erect, place or continue or cause to be erected, placed or continued upon any sidewalk, road, avenue or street adjoining such estate, any encumbrance, encroachment or obstruction which shall in any manner impede, obstruct or prevent the full, clear and free passage of such sidewalk, road, avenue or street, except as provided by section one and two of this article; but the said owner, the agent or occupant of such estate shall forthwith remove any such encumbrance, encroachment or obstruction, on being notified so to do by the clerk, and shall be liable to a penalty of five dollars fine for each and every day that such encumbrance, encroachment or obstruction shall remain after notice as aforesaid. In case any such encumbrance, encroachment or obstruction shall not have been removed within a reasonable time after notice as aforesaid, it shall be the duty of the clerk to cause the same to be removed at the expense of the owner or occupant of the estate in question. Any person who shall after notice and removal as aforesaid, replace or renew, or cause to be replaced or renewed any such or similar encumbrance, encroachment or obstruction upon any sidewalk, road, avenue or street within the limits of this village, shall be liable to a fine of five dollars for each and every such offense. No rail or post placed on the outer edge of the sidewalk and not interfering with or impeding the free passage of the whole width of such sidewalk or any crosswalk, shall be held to be an obstruction.

§ 9. No owner or occupant of any building shall cause or permit any firewood or coal to be placed or remain on any side or crosswalk opposite or adjoining his lot, nor shall he suffer the same to be placed or remain in the street opposite his lot further than five feet from the outer edge of the sidewalk, and then only for the purpose of being sawed or cut, and not to remain more than one day, under the penalty of three dollars for each offense.

§ 10. Any person who shall injure, take up or displace any pavement, side or crosswalk, drain or sewer, or any part thereof, or who shall dig any hole or ditch, or drain in any street, pavements or sidewalks, without authority from the trustees, or who shall hinder or obstruct the making or repairing of any pavement, side or crosswalk, which is, or may be making under any law or resolution of the trustees, or who shall hinder or obstruct any person employed by the trustees in making or repairing and public improvement or work ordered by the trustees, shall for every offense, forfeit and pay a penalty of not less than five nor more than fifty dollars, in the discretion of the magistrate convicting.

§ 11. No person shall draw or shove, or cause the same to be done, any wheelbarrow or hand-cart, or any hand-wagon used for the conveyance of baggage or any article of property, upon any of the sidewalks of the village (except to cross the same,) under the penalty of two dollars for each offense.

§ 12. No person shall make, mix or temper mortar, or cause the same to be done, on any sidewalk, or within three feet thereof, in the village, under the penalty of five dollars.

§ 13. No person shall ride on horseback, or in any wagon, carriage or cart, or lead or drive any horse, ox or cow, upon any of the sidewalks of said village, except in necessarily crossing the same, under a penalty of five dollars for each and every offense.

§ 14. Every owner or occupant of any house or other building, and every owner or person entitled to the possession of any vacant lot, and every person having the charge of any church or other public building in this village, shall, during the winter season, and during the time the snow shall continue on the ground, keep the sidewalks and gutters in front of such house, building, or lot, free from obstruction by snow and ice; and shall also at all times keep such sidewalks and gutters clean and free from all filthy and other obstructions any incumbrances; and every person neglecting to comply with this section shall forfeit and pay a penalty of five dollars for each neglect or refusal; provi-

ded, however, this section shall be confined to the sidewalks and gutters of such streets as are flagged or paved. And in case of the *failure* of such owner, occupant, or person in possession to *remove the snow within twenty-four hours* after the same shall have ceased falling, it shall be and is hereby made the duty of the Board of Trustees to cause said snow and ice to be removed. *The cost thereof shall be a charge against the lands adjoining the sidewalks and gutters cleaned*, and shall be collected in the same manner as is money expended in enforcing ordinances for flagging, curbing, &c.,

§ 15. Whenever stone, brick or plank walks shall be built in said village of a less width than the whole walk, the same shall be placed in the middle of such walk, and not elsewhere, under the penalty of ten dollars for every offense, and a further penalty of five dollars for every week that a walk laid down in violation of this ordinance shall remain.

§ 16. All trees which may be hereafter planted in any public avenue or street in said village, shall be planted on the sidewalk, at a distance of not less than one foot nor more than two feet from the curbing or outer edge of such sidewalk; and no person shall, unless previously authorized by the trustees, cut down, remove or destroy any tree now standing or which may hereafter be standing in any road, avenue, street or public place in any ward of said village, under the penalty of twenty-five dollars for each tree so removed, cut down or destroyed; and if any person shall wilfully break or injure any such tree, such person shall forfeit and pay ten dollars for each tree so broken or injured. It shall be unlawful for any person to tie, hitch or fasten any animal whatever to any tree, or any box, or other protection of such tree, in any of the streets, avenues, roads, lanes, parks or public places within this village, under the penalty of five dollars for each and every offense.

§ 17. If any person or persons shall wilfully do any damage to any public well, pump, cistern, reservoir, lamp or lamp-post in said village, every such person shall forfeit and pay for every such offense the sum of ten dollars, and in addition thereto shall be liable to pay all expenses that may be incurred by the trustees of said village in repairing any such damage, to be recovered with costs of suit.

§ 18. It shall not be lawful for the Richmond County Gas Light Company or any other Gas Company, or for any person to lay any gas main or other pipe in any road, avenue, street or public place in said village, or to break up or disturb the ground for such or any purpose, unless previously authorized by a resolution of the board of trustees, or

otherwise than in conformity with the conditions prescribed, and subject to any restrictions expressed or imposed in and by any such resolution, under the penalty of thirty dollars for each offense, and the further penalty of ten dollars for each and every day any company or person shall neglect or omit to comply in all respects with the requirements of any resolution of the board of trustees forbidding the prosecution of such work, requiring the removal from such road, avenue, street or public place, of any main, pipe or other encumbrance placed or cause to be placed thereon by such company or person, the filling up of any trench dug for the purpose of laying any main or pipes, and the restoring of the ground and pavement of any such road, avenue, street or public place to the like order and condition the same was in immediately prior to the causing the same to be disturbed, and in case of the refusal or neglect to comply with all the requirements of any such last mentioned resolution, within the time specified after the service of a copy or of a notice thereof certified by the clerk of the trustees, upon the president or secretary of the company, or upon any person doing such work, any trustee may, at any time thereafter, cause all or any part of such work to be done at the expense of said company or persons, who shall be liable therefor to the trustees for all expenses which they, the trustees, may incur in said company's behalf, together with such aforesaid penalties, to be recovered with costs of suit.

§ 19. It shall be obligatory upon such company or person when laying any main or service, or other pipe, or establishing any lamp-post, in any road, avenue, street or public place in said village, to perform all such work carefully, workmanlike and substantially, disturbing the ground and the pavement, curb, gutter and flagging, if any, no further than may be actually necessary for the careful performance of any such work; to guard, as far as practicable, against the future settling of the ground, pavement, curb, gutter or flagging above any such main, service or other pipe, or around such lamp-post, or resulting from the digging of the trench thereof, by filling in around and above such main or service pipe, and around such lamp-post, the earth dug from any such trench, compactly and firmly, to repair all damage which may be caused to any such road, avenue, street or public place, or to any pavement, curb, gutter or flagging, by the laying of such main or service pipe, or the establishing such lamp post, and to restore the same respectively to as good order and condition as the same were in immediately prior to their commencing any such work; to cause all such work to be performed with all reasonable despatch, and in

such manner as not unnecessarily to incommode the neighborhood or the public, and to promptly conform to all such directions as any trustee may from time to time give in their behalf; under the penalty of ten dollars for every omission, neglect, refusal or delay; and in case of any such omission, neglect, refusal or delay, it shall be lawful for any trustee to cause any such work to be done at the expense of said company or persons liable therefor to the trustees for all expenses which they, the trustees, may thereby incur, as well as such aforesaid penalties specified in this section, to be recovered with costs of suit against such company.

§ 20. If any person or persons shall wilfully and maliciously injure, damage, or disturb any main, service or other pipe, heretofore or which may hereafter be laid by any Gas Company or persons in said village, for the purpose of supplying the same, or the inhabitants thereof, or any part or portion thereof with gas, water or drainage, such person or persons shall severally forfeit and pay to the said village the sum of thirty dollars for every such offense, to be recovered with costs of suit; and the imposing, recovery or payment of such penalty or penalties shall not, in any wise, impair or interfere with any claim of such company or person, against any person or persons guilty of any such act, for any damages which said company or person may sustain therefrom.

§ 21. The clerk is authorized to grant permits to make openings in the streets for the repair of gas or water pipes, or for the use of portions of the street for the removal or erection of buildings, in conformity with the ordinances of the board of trustees, and upon the request, in writing, of the president or the trustee of the ward wherein the opening or building is desired. Without such permit no opening or other incumbrance of the streets shall be permitted.

§ 22. Every owner or occupant of any lot or parcel of land bounded on any street, highway, or public square of the village, shall cause all shade and ornamental trees on such land, or in front thereof, to be kept at all times pruned and trimmed in such a manner as not to obstruct the light of the street lamps, and to the height of not less than eight feet above the sidewalks, and to such a height above the roadbed as not to obstruct the passage of carriages and loaded teams; every person who, after notice from any trustee of the village, shall neglect or omit to comply with the requirement of this ordinance, shall be subject to a penalty of five dollars for every twenty-four hours during which such neglect shall continue.

§ 23. All riding or sliding down hill, on handsleds or other contrivances used for the same purpose, commonly called "coasting," in any of the streets or avenues of the village of New Brighton, is hereby forbidden; and for every breach of this ordinance the offender, his parents or guardian, shall be liable to a fine of not less than one dollar nor more than ten dollars, in the discretion of the magistrate before whom conviction is had.

§ 24. Any person who shall place or cause to be placed in any of the streets, alleys or public squares of the village, any building materials, or any heap or pile of earth, stone or sand, or any other obstruction whatever, or who shall make, or cause to be made, any excavation in any such street, alley or square, shall, during every night that the same shall continue, cause such excavation to be surrounded by a good and sufficient barrier, and a sufficient light or lights to be maintained near such obstruction or excavation, for the protection of travelers and passengers from damage or injury by the reason of such obstruction or excavation, under a penalty of twenty-five dollars for each offense, and a like penalty for every night during which the same shall be continued.

§ 25. Whenever the board of trustees may deem it necessary, they may order any sidewalk to be flagged and the gutters adjacent thereto to be curbed and guttered as follows, unless on application to them by the owners of the property interested therein they may otherwise agree:

The curb shall be of sound blue stone, four and one-half inches thick and sixteen inches deep, and not less than four feet long. It shall be dressed to a true surface on the face not less than ten inches from the top, and leveled on the top with a rise from front to rear of one-half inch. The face of curb, when set, shall have a battre of four inches in sixteen inches. The joints shall be dressed to form a tight joint, and each curb stone, as laid shall be rammed down with a fifteen pound rammer and the earth at the back tamped solid. On the corners of each street round stone shall be used four and one-half inches thick and curb sixteen inches deep, set on a radius of one-third of the width of sidewalk, and laid in accordance with the foregoing specifications.

The paving shall be of sound hard round cobble stone not more than ten inches nor less than four inches in diameter and forming joints as close as the stone can be placed. The gutter shall be three feet wide, the surface being eight inches below the top of curb, at point of contact, and rising five inches to the outside of gutter three feet distant from

the curb. The paving stones shall be rammed with a fifteen pound rammer to a true surface, as specified, and each stone shall be rammed so solid that the hammer shall have no further effect upon the same.

The flag shall be four feet wide, and not less than two inches thick, laid in three inches of sand, with the surface on a true line from edge of the curb, rising one half inch to each foot, and placed in the centre of the sidewalk; no broken or unsound flag shall be used, nor flag having a surface capable of retaining surface water. The joints shall be laid tight, and on the corner of streets the flags shall be cut on a mitre, to admit of the same being laid to correspond with the slope of each street.

Entrances to private grounds shall have the curb omitted and in lieu thereof, a double gutter shall be made, and in place of flags, two rows of heavy blue stone coping not less than three inches thick and eighteen inches wide shall be used, a space of one foot between the blue stone to be paved with a smooth surface, and as specified for the gutter the paving being laid to the edge of blue stone from the gutter to the fence line on the established grade of the sidewalk. No gutter bridge will hereafter be allowed, except by the direct permission of the Board of Trustees, and in accordance with their specifications.

In case any curb, paving, flag or private crossing shall not be laid in accordance with these specifications, it shall be the duty of the Engineer of the village, after notifying the owner, to cause the same to be laid in accordance with these specifications, and report the cost of such work to the Board of Trustees, that such cost shall be assessed against the property of such party neglecting to comply with these specifications, and shall be a lien until paid, and shall be collected as other liens of like nature are collected.

The clerk shall serve a printed copy of this ordinance in conjunction with the ordinance ordering any curb, gutter or flag to be laid.

§ 26. And be it further ordained the said work be done by the owners of the land adjoining the said sidewalks respectively, in front of the land which they respectively own, within thirty days after notice to do the same shall be served upon them respectively, and in default of said owners or any of them doing the said work within the said thirty days, then that the same be done by the village at their expense; and that such expenses be charged to and assessed against such owners, and the lands owned by them adjacent to said street, proportionately and respectively.

§ 27. And it is further ordained that the clerk of the

village serve upon owner of lands adjacent to, and in front of which the foregoing improvements are above ordered, a notice so to do, as soon as the same can be done.

§ 28. That no sidewalk exceeding eight feet in width, measured from the line of the adjoining estate to the curbstone or outer edge of said sidewalk, shall hereafter be laid out or maintained, except by permission of the board of trustees, in any road, avenue or street within said village, at any point when the whole width of such road, avenue or street, between the line of the opposite estates bordering on the same is less than fifty feet.

§ 29. That on no road, avenue or street, within said village, the whole width of which, as aforesaid, is fifty feet or more, shall any sidewalk be hereafter laid out or maintained, except by permission of the board of trustees, of such width as to reduce the space remaining for carriage way and gutters to less than thirty-three feet between the curbstones and outer edge of the opposite sidewalks, nor shall the width of the sidewalk on either side of such road, avenue or street, exceed one-half the difference between said thirty-three feet and the whole width aforesaid.

§ 30. All sidewalks unless excepted by special ordinance shall be one-fifth the established width of the street adjacent on either side.

§ 31. All sidewalks shall be laid on a slope of not less than $\frac{3}{4}$ of one inch to one foot rising from curb to fence lines adjacent.

ARTICLE V.

OF NUISANCES AND THE PRESERVATION OF GOOD ORDER.

SECTION 1. Any person or persons who shall make, aid, countenance or assist in making any improper noise, riot or disturbance in the streets, or elsewhere in said village, and all persons who shall collect in bodies and crowds in said village, for unlawful or idle purposes, to the annoyance or disturbance of the citizens or travelers, shall, for each offense, forfeit and pay a penalty of not less than one dollar nor exceeding fifty dollars, in the discretion of the magistrate convicting.

§ 2. Any firing off or discharging of any gun or guns, pistol or pistols, (excepting with a written permission of the trustee of a ward, and within such bounds as he may prescribe,) squibs, crackers, gunpowder, or other combustible

substance in the streets or elsewhere in said village, and any disorderly blowing of horn or horns in said village in the day or night time, are hereby forbidden; and any person who shall be guilty of violating any of the prohibitions in this section contained, and any person aiding or abetting such violation, shall for each offense, forfeit and pay a penalty of not less than one nor exceeding fifty dollars, in the discretion of the magistrate convicting; provided, however, this ordinance shall not apply to the Fourth of July, or to the day on which the Anniversary of our National Independence shall be celebrated, excepting that on the last mentioned day no "chasers" or cannon (except as shall be permitted and allowed by the trustees) shall be set off and fired, under the aforesaid penalty.

§ 3. No person shall run or race any horse or mare, or start the same for the purpose of racing, in any public street or road within the limits of the corporation of said village; any person violating this section shall forfeit and pay the sum of ten dollars for each and every such violation, to be sued for and recovered, with costs of suit, by the trustees, in the corporate name, and for the use of said village.

§ 4. It shall be, and is hereby declared to be unlawful, and an offense for any person or persons to ride, lead or drive, or cause or permit to be rode, led or driven, any horse or horses, or teams of horses, or other animal or animals, without or with a wagon, carriage or other vehicle of conveyance, with more speed than the rate of eight miles per hour, in any of the streets of New Brighton; and every person offending in the premises shall, for every such offense, forfeit and pay the sum of five dollars, to be sued for and recovered with the costs of suit, by the trustees, in the corporate name and for the use of the said village.

§ 5. If any person shall keep a nine or a ten pin alley, billiard table, shuffle board, E. O. table, furo bank, or any other instrument of gaming, whereon or with which money shall in any manner be played for in said village; or if any person shall keep a disorderly or gaming house in said village, such person shall, for each offense, forfeit and pay a penalty of twenty-five dollars, and also a further penalty of twenty-five dollars for every forty-eight hours during which such person shall continue to keep the same after the first conviction for any violation of this section.

§ 6. Any person who shall injure, deface or tarnish any public building, or any property belonging to the corporation, or any well, pump, fence, tree or any useful or ornamental work or improvement in said village, or in any of the

streets, sidewalks, or squares thereof, either by besmearing with paint, tar, mud, oil or grease, or in any other manner, or who shall aid, abet, or assist therein, shall forfeit and pay a penalty of not less than two dollars nor exceeding fifty dollars for each offense, in the discretion of the magistrate convicting.

§ 7. No person shall throw, place or deposit, or suffer his or her servant, child or family to throw, place or deposit any dung, dead animal, carrion, putrid meat, or fish entrails, or shells of oysters or clams, decayed vegetables, ashes of coal or wood, or nuisance of any kind in any street, lane, public square or park in said village; and any person who shall violate any of the prohibitions contained in this section, shall for each offense, forfeit and pay a penalty of not less than two dollars nor more twenty-five dollars, in the discretion of the magistrate convicting.

§ 8. No owner or occupant of any lot or tenement in said village shall cause or permit any nuisance to be or remain in or upon the same lot, or between the same and the centre of the street adjoining under a penalty of not less than fifteen nor more than twenty-five dollars, for each offense, in the discretion of the magistrate convicting; and the like penalty for every twenty-four hours thereafter that the said nuisance shall so remain.

§ 9. It shall not be lawful to throw upon or deposit, or cause to be put or come upon or into any of the squares, streets or lanes of this village, or into any millrace or mill pond, or under any bridge, or in a public place, any dung, dead animals or putrid meat, or fish slops, or nuisance of any kind, or any other substance or thing whatever, except as the same is permitted by the ordinances of this village, under a penalty of not less than one dollar and not exceeding ten dollars for each offense, in the discretion of the magistrate convicting.

§ 10. That it shall not be lawful for any person or persons to keep in or around his or their shop, warehouse or other building, any green or untanned hides or skins of any kind, or to carry on any unwholesome, filthy or offensive trade within the limits of this village, under a penalty of not less than five nor more than fifteen dollars for each and every day that the same shall be continued after a notice from the clerk directing the removal or discontinuance of the same.

§ 11. That it shall not be lawful for any person to throw or suffer to be thrown upon any sidewalk, or into any gutter, road, avenue or street within the limits of this village,

any slops, filthy or dirty water, urine, carrion, garbage or filthy substances, or to suffer, cause or permit the same to pass through any spout, drain or sink upon any sidewalk, or into any gutter, road, avenue or street as aforesaid, under a penalty of not less than one dollar nor more than fifty dollars for each and every such offense.

§ 12. That it shall not be lawful for any person or persons to erect or continue, or cause to be erected or continued, any cesspool, privy, hog sty, cow pen, stable or other nuisance, on any estate within the limits of this village, so near to the boundary line of such estate as to injure the health or materially affect the comfort of any other person or persons occupying the adjoining estate, or passing by on any street or sidewalk, but such nuisance or the offense arising therefrom shall be removed by the owner or occupant of the estate on which it may exist, within twenty-four hours after due notice from the clerk directing the removal of the same, under a penalty of not less than five dollars nor more than fifty dollars.

§ 13. In case the owner, occupant or agent of any estate on which any nuisance shall exist, shall not cause the same to be removed or abated within forty-eight hours after service of the clerk's notice above mentioned, the clerk shall cause such nuisance to be removed or abated, and the expense thereof with ten percent. thereon for damages, added to the penalty and the costs of suit, may be recovered of the owner or occupant of such estate.

§ 14. Due service of any notice by the clerk, or a police officer requiring observance of this or any other ordinance of this board, shall be held to have been effected by written or verbal communication of the same to the person intended, or by written notice left at his or her place of residence within the village, or in case such person has no residence within the village, then by a letter addressed to such person, or his or her agent or representative, at the last known place of residence of such owner or agent, and mailed at one of the post offices of the village.

§ 15. All disorderly assemblages of persons, and all vulgar and profane or obscene language or conduct in any street, or public place, or on any of the bridges or docks in the village, are forbidden, under a penalty of not less than two dollars and not exceeding ten dollars, in the discretion of the magistrate convicting.

§ 16. No person shall willfully tear down or deface any notice, handbill or ordinance posted up in this village by order of the trustees, under a penalty of ten dollars.

§ 17. No person shall throw stones or sticks in any public street in said village, under a penalty of two dollars for each offense.

§ 18. It shall not be lawful for any person or persons, without the consent of the trustees, or a majority of them, to build, make or use, or cause to be built, made or used, any slaughter-house within said village, and any person offending herein shall forfeit and pay twenty-five dollars, and the like sum for every day in which the same shall be used.

§ 19. Bathing in any of the waters within the corporate bounds of said village, or adjacent thereto, between the hours of 7 o'clock in the morning and eight o'clock in the evening, unless in a suitable bathing dress or covering, consisting of a shirt and drawers, is hereby prohibited, and any person violating this ordinance shall pay not less than two dollars nor more than five dollars for every such offense.

It shall be the duty and special charge of the police officers of the county of Richmond to see that the ordinance contained in this section is promptly enforced, and to arrest all offenders violating or in the act of violating said ordinance.

One half of the penalty provided by this ordinance shall be given to any person who shall procure the conviction of the person or persons violating the same.

§ 20. No person shall roll or throw stones or sticks along, or play base ball or cricket, or throw any cricket or base ball in or over any of the streets, lanes or public places of said village, and any person violating this ordinance shall be subject to and pay a penalty of three dollars for every such offense.

§ 21. Any person or persons who shall keep a brothel or house of assignation within the said village, or who shall, within said village, entertain lewd women for the purpose of prostitution, who shall procure, or aid in procuring lewd women for that purpose, shall, for each offense forfeit and pay the penalty of not less than twenty-five dollars nor more than fifty dollars.

§ 22. Any person who shall obstruct, or aid and assist in obstructing any officer in said village, or a trustee in the execution of his duty, shall, for each offense, forfeit and pay a penalty of not less than five dollars nor more than fifty dollars, in the discretion of the magistrate before whom a conviction therefor may take place.

§ 23. Whenever there shall exist any nuisance, the owner and occupants of the premises upon which the same shall exist shall abate the same within twenty-four hours after they shall be notified and required to abate the same ; and

in case of any violation of this ordinance, the person or persons so violating the same shall pay the sum of not less than five dollars nor more than fifty dollars for each and every day such nuisance shall continue after said notice.

In case of the failure of such owner or occupant to comply with such notice or requirement within the time therein mentioned the said nuisance may be abated by any of the police officers of the county of Richmond, at the expense of such owner or occupant and such owner or occupant shall pay such expense to the treasurer of said village.

§ 24. The posting of handbills, notices or advertisements of any kind whatsoever, on any house, wall, fence, post, flag stone, curb stone, tree, tree box or lamp-post, or other place in the village of New Brighton, or the printing, painting, stamping or otherwise marking of any words, letters, figures, signs or tokens of any sort thereon, without the permission of the owner thereof, first obtained, is hereby strictly forbidden; such permission, in case the property belongs to the public, to be obtained from the trustee of the ward. Every person offending against the provisions of this ordinance, either by doing, authorizing or directing any such act, shall be subjected to a fine of not less than five nor more than fifty dollars, in the discretion of the magistrate before whom conviction is had, and every separate act shall be deemed a separate offense.

ARTICLE VI.

OF CONNECTION WITH SEWERS AND DRAINS.

SECTION 1, A written application for permission to connect with the sewers and drains within the corporate limits of said village, and belonging to said corporation, must be made by the party employed to do the work to the board of trustees, or any one of the trustees which application must state the location of the premises, the name of the owner, the size of the pipe or drain proposed to be connected, the number of buildings to be connected, and how the same are occupied; and no street shall be disturbed, nor any addition nor alteration made in or about any such pipe or drain, without such permit, in writing, be first obtained from the clerk of the village, as hereinafter directed.

§ 2. The street must be opened and the paving stones and earth deposited in a manner that will occasion the least inconvenience to the public, and provide for the passage of water along the gutters.

§ 3. The surface of the street pavement, flagging and gutters are to be restored to at least as good condition as previous to excavation, and the paving must be done in a good and workman-like manner; and in refilling the trench the same earth shall be replaced as was taken out, and in case of rock excavation, the trench shall be refilled with good earth.

§ 4. Every insertion shall be made even with the inside surface of the sewer, and shall not project beyond the inside surface, nor be made above the heading course in the spring of the arch.

§ 5. It shall be the duty of the person or persons by whom, or for whose benefit any excavation is to be made, for constructing, altering or repairing a vault, waste pipe or drain in any street in this village, to give notice, in writing, thereof to the company whose pipes are laid in the street about to be disturbed by the construction, alteration or repairing of such vault, waste pipe or drain, at least twenty-four hours before commencing the same, and such person or persons shall, at his or their expense, sustain, secure and protect said pipes from injury, and pack the earth whenever the same shall have been removed, loosened or disturbed under or around them, so that such pipes shall be well and substantially supported; and if such person or persons shall fail to sustain, secure and protect said pipes from injury, or to replace or pack the earth under or around them, as by the provisions of this section required, then the same may be done by the company to whom the same may belong, and the cost thereof, and all damages sustained by the said company thereby, shall be paid by said person or persons to said company, and who may, in default thereof, maintain an action against him or them therefor.

§ 6. If any connection or opening be made into any sewer or drain without the permission authorized, or in a mode different from that prescribed therefore, the person making such connection or opening and the owner directing it, shall be respectively liable to a penalty of fifty dollars.

§ 7. Every person who shall receive a permit as hereinbefore provided, shall, before performing any work authorized thereby, execute a bond to the village of New Brighton jointly with the owner of the property sought to be connected with the sewer or drain, in the penal sum of two hundred and fifty dollars, conditioned that he will faithfully make the openings into such sewers or drains; that he will leave no obstructions of any description whatever therein; that he will properly close up the sewers or drains so open-

ed ; that he will make no opening into the arch of any sewer or drains ; that he will properly restore the earth or pavement taken up for excavation, and repave the same should it settle or become out of order within six months thereafter ; or if he fail to do so within twenty-four hours after being notified thereof, that it may be repaved at his expense ; that he will comply with the ordinances in relation to excavating the street, and that he will indemnify the corporation for any damages or costs to which they may be put by reason of injuries resulting from neglect or carelessness in making such opening, or in performing any work connected therewith.

§ 8. There shall be paid to the clerk for the use of the corporation, for every permit to connect with a sewer or drain from any house, store or building, the sum of ten dollars, and for every hotel, boarding-house or public building, covering more than twenty-five feet by fifty feet, an additional sum in that proportion.

§ 9. Any person obtaining a permit, as provided in the last section, who shall permit any substance which shall form a deposit or obstruction in a sewer, drain or receiving basin to flow into the same, shall be liable to a penalty of fifty dollars for each offense.

§ 10. The entire control and direction of all work done under these ordinances shall be with such person as the board of trustees may appoint, who shall from time to time report to said board the manner in which the work has been done, and any default therein.

§ 11. Permission to lay house drains through the streets shall be granted only upon the following terms and conditions : The person applying for such permission shall submit with his application a description of the dimensions and route of the proposed drain. Every such drain shall be of sufficient size to carry the house drainage of the neighborhood through which it passes. The same shall be laid under the supervision of the Trustees, and when laid shall become the property of the village.

§ 12. Every person laying any drain in accordance with the provisions of the foregoing section shall file in the clerk's office an itemized statement, under oath, of the expenses of constructing the same. No other person shall be permitted to connect with such drain except upon the payment, to the treasurer, for the use of the person originally constructing the same of a ratable proportion of such expense, to be fixed by the Trustees.

ARTICLE VII.

OF THE PREVENTION AND EXTINGUISHING OF FIRES.

SECTION 1 No wood ashes shall be kept or deposited in any building or yard in any part of the village, unless in a close and secure iron, tin or earthen vessel, or in a brick or stone ash house, under the penalty of three dollars for every offense, and a further penalty of one dollar for every twenty-four hours the same shall thereafter so remain in violation of this ordinance.

§ 2. Any fireman who shall repair to a fire shall be obedient to the orders of the Chief Engineer of the North Shore Fire Department and his associates, in the extinguishing of fires, and in the removal of property; and in case any person or persons not members of the fire department shall impede the fire department in their duties, he or they shall forfeit and pay the penalty of ten dollars for every such offense.

§ 3. If any person shall wilfully and designedly alarm the citizens of said village by a false cry of fire, he shall be subject to a fine of five dollars for every such offense.

§ 4. If any person shall cut or injure in any manner, any hose, fire engine, or other apparatus provided for the extinguishment of fires, belonging to the village or fire department, the offender shall for every such offense, forfeit and pay a penalty of fifty dollars, besides being liable to an action for the recovery of the damage done.

§ 5. It shall be the duty of the several engineers, and of every foreman and assistant foreman of any fire company, hook and ladder, hose and axe company, to report all violations of ordinances relating to the fire department to the trustees.

ARTICLE VIII.

OF ANIMALS RUNNING AT LARGE AND IMPOUNDING SAME.

SECTION 1. To cattle, horses, mules, asses, sheep, swine, goats or geese shall be permitted or suffered to run at large in any of the roads, avenues, streets, lanes, sidewalks or public places within the village of New Brighton, or to graze in any such road, avenue, street, lane, sidewalk or public place, whether or not at the time under the charge, care or superintendence of any person, under the following penal-

ties, to wit: two dollars for each and every such cattle, horse, mule, ass, swine and goat, and one dollar for every sheep or goose so running at large or found grazing therein, to be paid by the owner or controller of such animal, and to be recovered by suit by the village of New Brighton against the party liable to pay such penalty, or by impounding and sale of such animal as hereinafter provided, or as shall be hereafter provided by the board of trustees.

§ 2. If any such animal shall be found running at large or grazing as aforesaid, it shall be the special duty of the pound masters of the village of New Brighton, and all police of the county of Richmond, and it shall be lawful for any other person to take up and impound such animal, or cause the same to be impounded in the public pound of the village of New Brighton, and when so impounded the pound master shall keep such animal in his custody until it shall be disposed of according to law. But no animals shall be received by any poundmaster of this village from a minor.

§ 3. The owner of each and every animal thus impounded, shall be entitled to the possession thereof, upon payment to the poundmaster of the penalties above stated, and the following charges in addition, viz: one dollar per day for keeping each and every animal, except sheep, swine and goats, and for each of these fifty cents per day, and ten cents per day for keeping each and every goose; every fractional part of a day shall be considered as one day.

§ 4. In case the owner of any animal thus impounded shall fail to pay the penalties and charges imposed by the ordinance of this village, and remove the same from such pound within twenty-four hours after the impounding of such animal, it shall be lawful for the pound master to sell such animal at public auction, first giving seventy-two hours public notice of the time and place of such sale, by posting notices thereof in six conspicuous places in said village. But the owner of any such animal may redeem the same at any time before such sale by the payment of the penalties and charges hereby imposed. In case the bids for said impounded animals shall not cover the penalties or charges above specified, it shall then be the duty of the pound master to have said animals killed forthwith.

The pound master shall immediately after the sale deposit with the treasurer of the village, the money received on such sale, first deducting the penalties above imposed, and his legal charges, and said treasurer shall pay over such money so received by him to the owner of such animal upon proof satisfactory to him of such ownership.

§ 5. The pound master shall allow and pay to every person delivering any of the above named animals to him, liable to be impounded, one half the penalties above imposed.

§ 6. No dog shall be permitted to run at large, without being properly and safely muzzled, in any of the streets, roads, avenues, lanes or public places, whether or not at the time under the charge, care or superintendence of any person, under the following penalties, to wit ; one dollar for the first and two dollars for each and every day such shall be found running at large, to be recovered by suit by the village of New Brighton against the owner or harbinger of such dog, or by impounding and sale of such dog, as herein provided. If any such dog shall be found running at large as aforesaid, it shall be the special duty of the pound master of the village of New Brighton, the police of Richmond County, and it shall be lawful for any other person to take up and impound such dog, or cause the same to be impounded in the public pound of this village ; when so impounded the poundmaster shall keep such animal in custody until it shall be disposed of according to law.

§ 7. The owner or harbinger of each and every dog thus impounded, shall be entitled to the possession thereof by payment to the pound master of the penalties above stated, and the following charges in addition, viz: fifty (50) cents per day for keeping each and every such dog ; every fractional part of a day shall be considered as one day.

After any dog impounded has remained in the pound three days, counting the day of such impounding as one day, it shall be the duty of the pound master to kill the same.

The harbinger of any dog shall be deemed to be the owner.

The pound master shall allow and pay to any person delivering any such dog to him liable to be impounded, the sum of fifty (50) cents.

The owner or harbinger of any dog so impounded and not redeemed, shall pay the sum of three (3) dollars to meet the expenses of impounding, keeping and killing.

§ 8. It is hereby made the duty of the police officers of the county of Richmond, to cause this ordinance to be enforced, and each police officer or constable shall be entitled to the same fees, in case he shall drive any of said animals to the pound, as is hereinbefore provided for the use of the person driving said animal or animals to said pound.

§ 9 If any person or persons shall break into, or attempt to break into, or in any manner injure the pounds erected in the village of New Brighton, or the inclosure, lot or yard used or hired for that purpose, the person so offending shall pay the sum of fifty dollars as a penalty for the violation of this ordinance.

§ 10. Any person who shall rescue or turn away from the custody of any person driving to the village pound any animal prohibited from running at large by the ordinance of the village, or any person obstructing, hindering or interfering with any such person so driving any such animal, shall forfeit and pay a penalty of not less than ten dollars nor more than fifty dollars, in the discretion of the magistrate convicting.

ARTICLE IX.

PEDDLERS.

SECTION 1. All persons who travel through the street, stopping from house to house, selling or offering to sell any goods, wares or commodities shall be deemed *peddlers*.

Peddlers shall be and are hereby required to pay an annual license viz :

Traveling with two horses, each ten dollars ;

Traveling with one horse, each five dollars ;

Traveling on foot, each two dollars and fifty cents ;

Junk men shall pay each a license of five dollars provided that all peddlers who are residents of the Village of New Brighton, or other villages in Richmond County where license is not required, and all farmers selling their own produce, shall be exempt. Any person violating this section shall forfeit and pay the sum of ten dollars for each and every such violation, to be sued for and recovered, with costs of suit, by the Trustees in the corporate name and for the use of said village.

§ 2. All circuses, theatrical and other public exhibitions, where entrance fee is charged to the public, shall pay a license as follows, viz :

Circus, for each exhibition, the sum of twenty five dollars ;

Theatrical and other exhibitions, annual, the sum of five dollars, provided that all private theatrical and exhibitions for the benefit of Churches or other benevolent objects shall be exempt.

Any person or corporation violating this section shall forfeit and pay the sum of fifty dollars for each and every such violation, to be sued for and recovered with costs of suit, by the trustees, in the corporate name, and for the use of said village.

Every person or corporation who are required to pay licenses shall make application to the Clerk of the Village of New Brighton, on or before the first (1) day of June in each year, or before commencing business, whose duty it shall be to grant the same, properly signed by the President of said village and attested by the Clerk, upon the payment of the sum as required by this ordinance.

ARTICLE X.

IN RELATION TO ENFORCING PENALTIES.

SECTION 1. Whenever complaint is made before any magistrate of the violation of any of the by-laws or ordinances of said village, such magistrate shall forthwith issue a summons or warrant, as he may deem most expedient, for the causing of the appearance of the offender before him. All such process shall be issued in behalf of the village of New Brighton, as complainant or plaintiff (although the complaint may be made by any person in behalf of said village) and such magistrate shall have power to enforce any judgment which he may render in favor of said village, by execution against the property of the defendant, and in default of collecting the same out of the defendant's property, such magistrate shall cause the offender to be committed to the common jail of the county in the same manner as upon executions in actions of tort.

ARTICLE XI.

OF THE BY-LAWS.

SECTION 1. All by-laws, resolutions or ordinances inconsistent with any of the foregoing provisions are hereby repealed.

§ 2. In case any of the by-laws, resolutions or ordinances of the Village of New Brighton shall be violated or disobeyed, and there shall be no provisions incorporated therein for a penalty or punishment for such violation or disobedience, the person so violating or disobeying said by-law, resolution or ordinance shall forfeit and pay not

less than the sum of one dollar, and not exceeding the sum of fifty dollars, in the discretion of the magistrate before whom such persons shall be convicted of such violation.

§ 3. All ordinances, by-laws and provisions contained in the preceding sections (unless the contrary is therein expressed) shall take effect immediately.

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